

## CHAPTER 1028

### ELUDING LAW ENFORCEMENT VEHICLES — PENALTIES

S.F. 2275

**AN ACT** relating to eluding or attempting to elude a pursuing law enforcement vehicle and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 321.279](#), Code 2020, is amended to read as follows:

**321.279 Eluding or attempting to elude pursuing law enforcement vehicle.**

1. a. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of [this section](#), “peace officer” means those officers designated under [section 801.4, subsection 11](#), paragraphs “a”, “b”, “c”, “f”, “g”, and “h”.

b. The driver of a motor vehicle who commits a second or subsequent violation under [this subsection](#) is, upon conviction, guilty of an aggravated misdemeanor.

2. a. The driver of a motor vehicle commits an aggravated misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in [this section](#) and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under [this section](#) and who has previously committed a violation under [this section](#) or [subsection 3](#) is, upon conviction, guilty of a class “D” felony.<sup>1</sup>

3. a. The driver of a motor vehicle commits a class “D” felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in [this section](#), and in doing so exceeds the speed limit by twenty-five miles per hour or more, and if any of the following occurs:

~~a.~~ (1) The driver is participating in a public offense, as defined in [section 702.13](#), that is a felony.

~~b.~~ (2) The driver is in violation of [section 321J.2](#) ~~or 124.401~~.

(3) The driver is in violation of [section 124.401](#).

~~e.~~ (4) The offense results in bodily injury to a person other than the driver.

b. The driver of a motor vehicle who commits a second or subsequent violation under [this subsection](#) is, upon conviction, guilty of a class “C” felony.

Sec. 2. [Section 321J.2, subsection 3](#), paragraph b, subparagraph (2), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) If the offense was committed in violation of [section 321.279, subsection 3](#), paragraph “a”, subparagraph (2).

Sec. 3. [Section 907.3, subsection 1](#), paragraph a, subparagraph (6), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) If the offense was committed in violation of [section 321.279, subsection 3](#), paragraph “a”, subparagraph (2).

<sup>1</sup> See chapter 1121, §65 herein

Sec. 4. [Section 907.3, subsection 2](#), paragraph a, subparagraph (2), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) The offense is a violation of [section 321.279, subsection 3](#), paragraph “a”, subparagraph (2).

Approved June 1, 2020